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The Reorganization of State Government in Nebraska

By

LUELLA GETTYS



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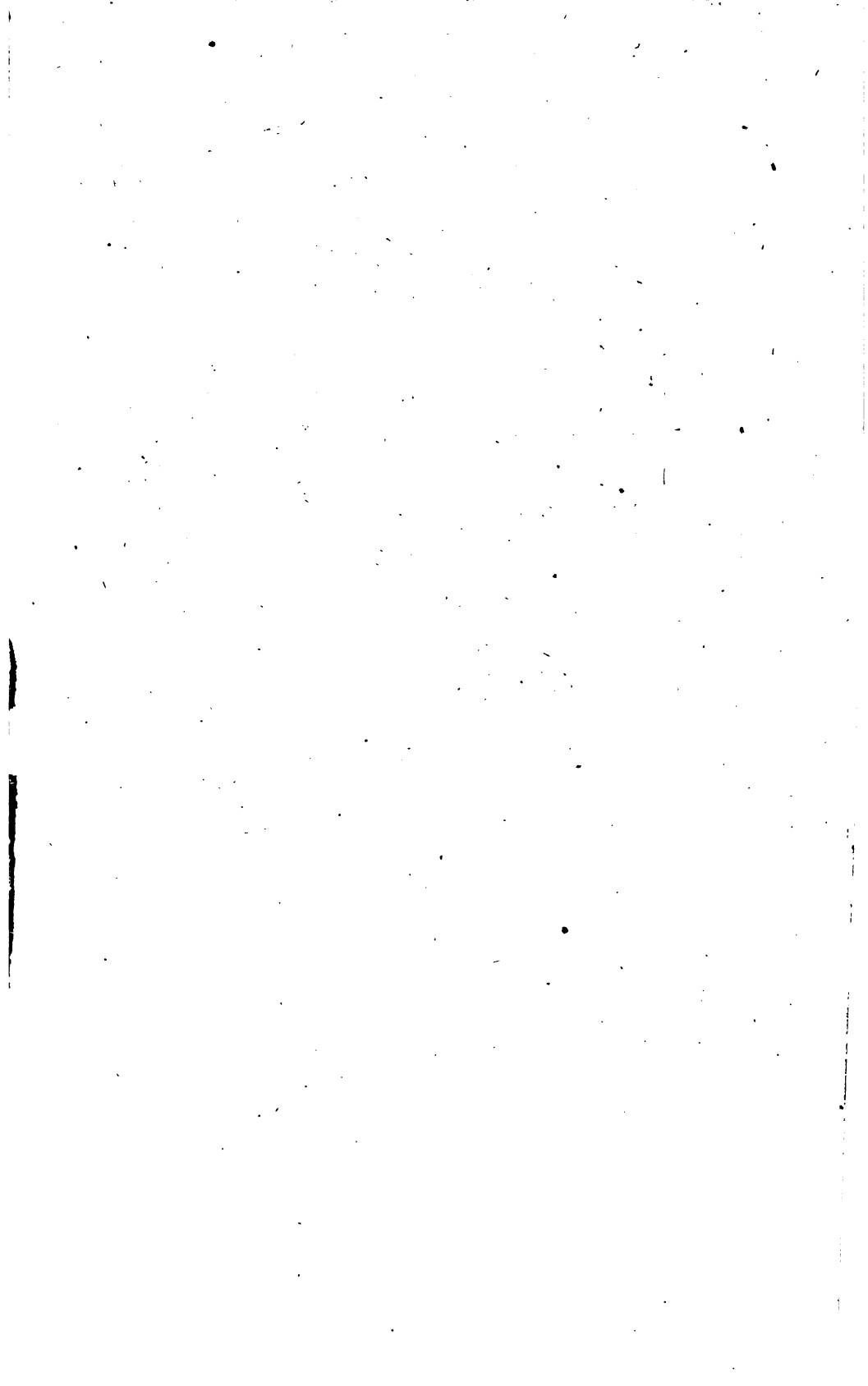


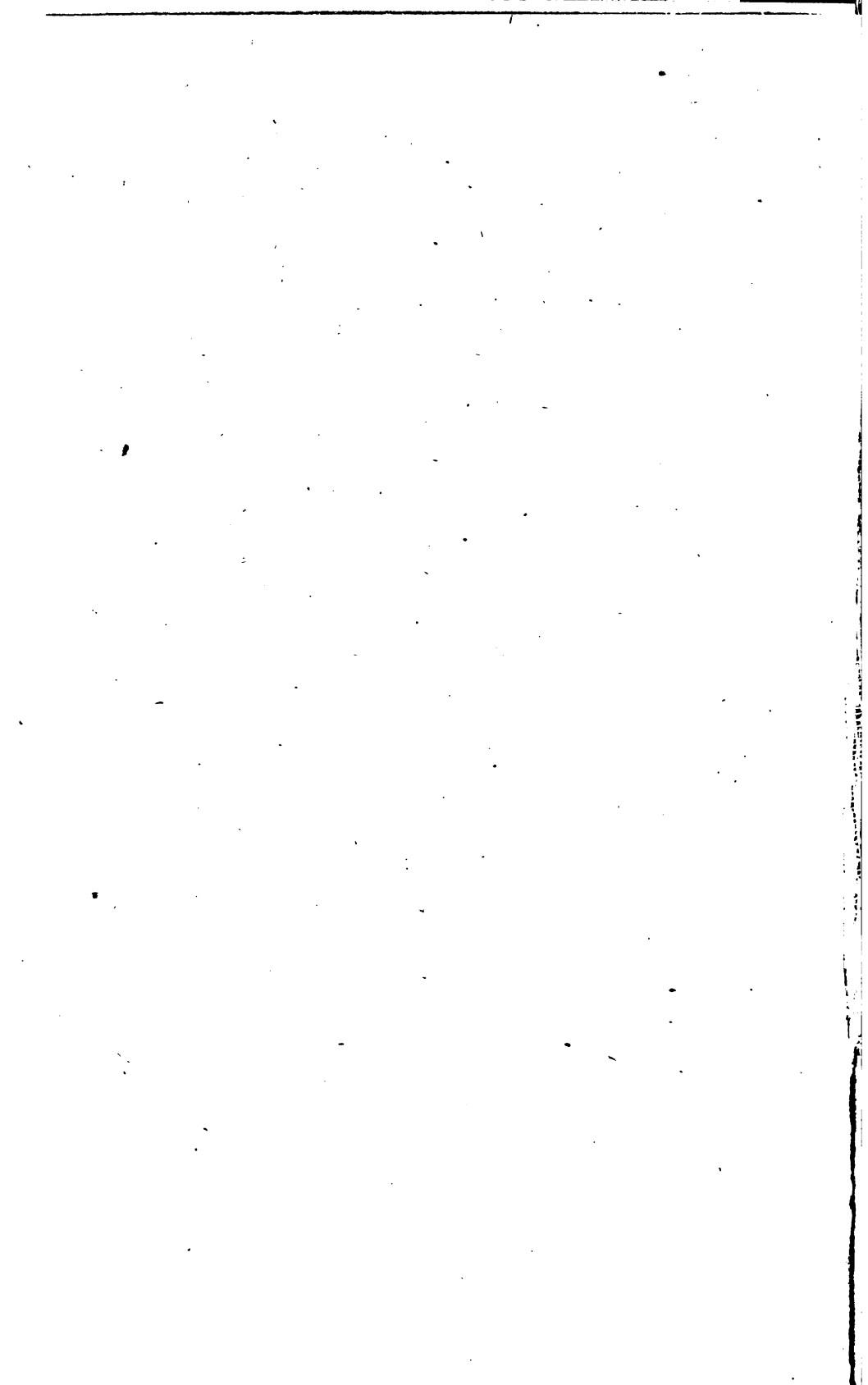
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The Reorganization of State Government in Nebraska

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**The Nebraska Legislative Reference Bureau
LINCOLN, NEBRASKA**
JULY, 1922

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EDITOR'S PREFACE

In pursuance of the requirements of the law which provides that the Legislative Reference Bureau "shall publish information upon subjects of legislation and administration," it has been the custom of the bureau to secure for publication carefully prepared, scholarly monographs on subjects of public interest. Among these have been bulletins on the direct primary, guaranty of bank deposits, the Torrens land transfer act, the exercise of the veto power, reform in legislative procedure, and other topics.

As an addition to this series of bulletins, the bureau has been able to secure for publication the thesis on "Reorganization of State Government in Nebraska," submitted by Miss Luella Gettys in partial fulfillment of the requirements for the degree of master of arts. This manuscript has been revised and brought to date. The subject is one of especial interest at this time. The Bulletin is published in the belief that Nebraska citizens desire the impartial information it contains.

**EDNA D. BULLOCK, Director,
Nebraska Legislative Reference Bureau.**

AUTHOR'S PREFACE

This study of Nebraska's administrative system was originally made during the fall of the year 1920 and the spring of the year 1921. It was presented to the faculty of the University of Nebraska in partial fulfillment of the requirements for the degree of master of arts. Since that time it has been revised and brought to date for publication by the Nebraska Legislative Reference Bureau.

"American state government, with but few modifications, is conducted at the present time on the basis of the organization and the fundamental principles adopted in the latter part of the eighteenth century and the beginning of the nineteenth century. . . . The remarkable developments during the last fifty years in political, economic, and social conditions have not altered the main characteristics of state government as devised a century ago. While a striking evolution has taken place in the federal government, and while city government has been undergoing radical reconstruction as a result of a continuous reform movement, state governments have been until quite recently conducted along lines established decades ago. . . . In order to adjust a form of government planned for the more primitive conditions of many years ago, so as to perform the multitudinous functions which have devolved upon state government, it has been found necessary to establish numerous boards, commissions, and commissioners. Owing to the fact that these boards and bureaus were created one at a time, as occasion arose, and were constituted as independent agencies with specially designated powers, state administration has lacked in the necessary unity and correlation to secure economical and efficient public service. . . . Owing to the conviction that state government is both costly and inefficient, there is now a widespread demand for reform. Thus the movement for reform, which has transformed city governments and which has brought noteworthy improvements in the federal administration, has entered the domain of state government."¹

¹Haines, C. G. The Movement for the Reorganization of State Administration. University of Texas Bulletin, August 25, 1918. pp. 5 ff.

The movement for administrative reform in Nebraska is but a part of the tendency prevalent throughout the United States. It is the purpose of this study to trace the development of the reorganization movement in general and to tell to what extent the underlying principles and purposes have been adopted by Nebraska.

JUNE, 1922.

LUELLA GETTYS.

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CHAPTER I

GENERAL SURVEY OF STATE ADMINISTRATIVE REORGANIZATION

NECESSITY OF REORGANIZATION

The social, economic, and industrial development in the various states during the past seventy years has made the fact quite apparent that the frame-work of government, dependent upon the state constitutions and existing laws, was inadequate to meet the growing complexities of state administration. When a new activity arose in the state government, a new board had to be created. Consequently, a vast number of unrelated boards and commissions, having varying degrees of responsibility and management, were created to enforce the regulations pertaining, for example, to public health and sanitation, public utilities, banks and insurance, industrial and mercantile affairs, charities and correction, education, public property and natural resources, and assessment and taxation. These agencies were established from time to time, each with its own sphere of duty, independent of those already existing. No uniform method of choosing the members of these boards and commissions was followed. In some instances their appointment was conferred upon the governor alone, or subject to confirmation by the legislature. In other instances, boards and commissions were chosen by popular vote. Removals were made by the governor alone, subject to the consent of one or both houses of the legislature, by impeachment, by legislative resolution and by recall. With the multiplication of independent agencies, there resulted a clumsy and disintegrated administrative organization, with an absence of definite responsibility causing inefficiency in the administration of state affairs and waste of public funds. The governor, constitutionally vested with the supreme executive power of the state, was, by being limited in his power of appointment and removal, deprived of effective control over

the state administration as a whole. He was not always able to compel subordinate officials to act, and in such cases he could not be held responsible for their share in the administration. Executive responsibility was hampered not only by the lack of sufficient appointive and removal power, but also by the fact that the terms of office of the subordinate executive officials did not always coincide with that of the governor.² The general type of state administration which developed has been characterized by Mathews in "American State Administration," as follows: "The administrative organization which has resulted from the practice of creating numerous state boards and commissions shows a lack of conscious development and of systematic planning. Endless incongruities and absurdities and lack of co-ordination are the natural result. The administration of the states' business has been divided into small and arbitrarily limited compartments, each under a separate board, exercising its powers with little or no reference to the activities of other boards charged with the supervision of closely related matters. The slight regard paid in the creation of such boards and their proper interrelation with existing agencies has tended to produce conflicts of authority. . . . Moreover, in the conduct of their affairs, such boards are frequently practically irresponsible, inasmuch as they are subject to but slight supervision or control by state executive authorities."³

SURVEYS AND INVESTIGATIONS IN STATE GOVERNMENT

During the past ten years there has been a movement for administrative reorganization. The fundamental object of this movement has been to effect a "reorganization of the several offices and agencies concerned with the administration of the state's affairs into a few co-ordinate departments with heads appointed by the governor and responsible to him."⁴ In most states such reorganization was preceded by

²Crennan, C. H. *A Survey of State Executive Organization and a Plan of Reorganization*, p. 21.

³Mathews, J. M. *Principles of American State Administration*, pp. 167 ff.

⁴Buck, A. E. *Administrative Consolidation in State Governments*. *National Municipal Review*, Vol. VIII, p. 639. (Hereafter to be cited as *National Municipal Review*, Vol. VIII, supplement).

a study of the existing government. The first agency created for the purpose of investigation was the board of public affairs of Wisconsin in 1911. In the following year commissions were appointed in New Jersey and Massachusetts for a similar purpose.⁵ The first comprehensive studies of state administrative agencies, with proposed plans of reorganization, were conducted in Iowa and Minnesota in 1913 and in New York in 1915.⁶ Since that time over one-half of the states have appointed committees to make investigations as a basis for legislative action or constitutional revision prior to administrative reorganization. The most important of these committees are enumerated in the following table:⁷

State	Name of Commission	Created	Reported
Alabama.....	Legislative Investigating Committee.....	1915	1915
California.....	Committee on Efficiency and Economy.....	1918	1919
Colorado.....	Survey Committee of State Affairs.....	1915	1916-1917
Connecticut.....	Commission on the Consolidation of State Commissions and Reorganization of Public Health Laws.....	1915	1915
	Special State Commission to Investigate on a Civil Administrative Code.....	1919	1921
Delaware.....	State Survey Commission.....	1919	1920
Georgia.....	Examining Commission of State Government	1919	_____
Illinois.....	Efficiency and Economy Committee.....	1913	1914-1915
Indiana.....	Legislative Investigating Committee.....	1915	1915
Iowa.....	Joint Committee on Retrenchment and Reform	1913	1914
Kansas.....	Efficiency and Economy Committee.....	1915	1916-1917
Louisiana.....	Legislative Investigating Committee.....	1914	1915
Maryland.....	Board of State Affairs.....	1916	1918
	Economy and Efficiency Commission.....	1915	1916
	Report in re the Organization and Administration of State Government. A Plan of Administrative Consolidation by Griffenhagen and Associates.....	_____	_____
Massachusetts.....	Commission on Economy and Efficiency.....	1912	1912-1916
	Supervisor of Administration.....	1916	1916-1920
	Commission on State Administration and Expenditures	1921	1922

⁵Moley, Raymond. *The State Movement for Efficiency and Economy*, p. 1.

⁶Retrenchment and Reorganization in the New York State Government, 1919, p. 325. (Hereafter to be cited as the New York Report, 1919).

⁷Haines, C. G. *The Movement for the Reorganization of State Administration*. University of Texas Bulletin, August 25, 1918, pp. 7 ff. (Hereafter to be cited as University of Texas Bulletin). Additions to date made by L. Gettys.

State	Name of Commission	Created	Reported
Minnesota	Efficiency and Economy Commission.....	1913	1914
	Commission on Reorganization of Civil Administration	1915	1917
Missouri	Legislative Investigating Committee.....	1915	1915
Mississippi	Joint Legislative Investigating Committee	1913	1914
Montana	Economy and Efficiency Committee.....	1919	1920
Nebraska	Joint Committee on Reform of Legislative Procedure and Budget.....	1913	1914
New Jersey	Economy and Efficiency Committee.....	1912	1913-1917
New York	Committee of Inquiry.....	1913	1913
	Department of Efficiency and Economy.....	1913	1913-1915
	Reconstruction Commission.....	1919	1919
Ohio	Committee to Investigate State Departments	1915	1915
	Joint Legislative Committee on Administrative Reorganization.....	1919	1920
Oregon	Commission of Business Men.....	1917	1919
Pennsylvania	Economy and Efficiency Commission.....	1913	1914
	Commission for the Reorganization of State Government.....	1922 to report	1923
South Dakota	Joint Committee on Investigation of State Expenditures.....	1913	1915
	Commission of Experts.....	1921 to report	1923
	Joint Legislative Investigating Committee	1917	1918
Virginia	Commission on Economy and Efficiency.....	1916	1918
West Virginia	Efficiency Commission.....	1917	_____
Wisconsin	State Board of Public Affairs.....	1911	1912-1915

In a number of states such as Louisiana and Mississippi the investigations dealt only with the auditing of accounts and the introduction of accounting methods. The committee in Nebraska, while created primarily to study legislative procedure and the budget, extended its investigations to matters of general reorganization. In other states the committees were concerned chiefly with the reorganization of state agencies and the correlation and the readjustment of functions.⁸ The three most common types of committees have been: (1) joint legislative committees with power to appoint sub-committees to gather information; (2) committees composed of executive and legislative officials together with persons of special ability to render the investigations more thorough; and (3) official committees authorized to employ specialists to conduct the investigation. Efficiency engineers, specialists in political science, or accountants were employed in Iowa, Illinois, New Jersey, Oregon, New York, Maryland and Massachusetts.⁹

⁸University of Texas Bulletin p. 9.

⁹Ibid.

RESULTS OF SURVEYS

The results of the various investigating bodies may be summarized as follows: (1) state administration is a collection of boards, offices, and other agencies which have been created from time to time by statute, without consideration having been given to the desirability of grouping all related work in one department; (2) disorganization and confusion exist in executive departments of the state governments producing inefficiency and waste; (3) there is an unnecessary duplication of positions and salaries and an absence of definite correlation, co-ordination, and co-operation between the most closely related offices; (4) there is no standard of compensation on the basis of service rendered; (5) there is an absence of a uniform system of reporting. The reports are made to various officials and do not cover the same period of time; (6) there is no effective budget system; too many independent authorities have power to make expenditures. The accounts are imperfect and there is no supervision over the appropriations and expenditures; (7) there is an irresponsible type of government. With a large number of agencies independent of the supervision and control of the governor, he cannot be held responsible to the voters for an efficient and economical management of public business.¹⁰

The recommendations of the commissions to bring about economy and a responsible government are as follows: (1) Reorganization should include the grouping of administrative agencies upon a functional basis. (2) Boards and commissions should be consolidated into a few departments and each department made responsible for the conduct of a particular major function. (3) The power of appointment and removal of department heads should be vested in the governor, making him in fact as well as in theory the responsible chief executive of the state. (4)* There should be a budget system as a basis for appropriations, with a system of accounts to aid in controlling and fixing responsibility for expenditures. (5) There should be established a more definite and uniform system of reporting. (6) There should be a civil service for selecting minor assistants.¹⁰

¹⁰Report of the Illinois Efficiency and Economy Committee, 1915, pp. 18 ff., and New York Report, 1919, pp. 4 ff.

However, not all of the recommendations of the investigating committees have been carried out. Consolidation has been gradual, the first definite step being to group into one department those administrative agencies performing related functions. At present more than one-half of the states have consolidated the management of charitable and correctional institutions; many, the educational institutions; several, the agricultural agencies; and a few, the labor agencies.¹¹

Several states have accomplished partial consolidation. In 1913 the legislature of New Jersey combined the department of accounts and the comptrollership of the treasury. In 1915, related agencies were consolidated into four departments, conservation and development, shell fisheries, commerce and navigation, and taxation and assessment. In 1916 the departments of labor and of agriculture were reorganized. In 1918, a department of charities and corrections was created, under which were grouped all of the state charitable and penal institutions.¹² In 1919 the Indiana legislature consolidated eleven offices into four agencies. The conservation commission took over the work of the departments of geology, entomology, forestry, lands and waters, fish and game, and public parks. The legislative reference bureau was assigned the work of the bureau of legislative information and the bureau of statistics. The department of oil inspection was united with the office of the state food and drug commissioner. The live stock sanitary board took over the work of the state veterinarian and the state board of veterinary medicine.¹³

The legislature of California created in 1919 a department of agriculture, which absorbed the functions of seven boards and in 1921 the legislature enacted a group of bills which consolidated seventy-five boards, commissions, and offices into seven departments.¹⁴ In 1921 the legislature of Michigan created five departments to assume the duties of thirty-three boards and offices, and created a state administrative board

¹¹New York report, 1919, p. 237.

¹²University of Texas Bulletin, pp. 11 ff. National Municipal Review, Vol. VIII, supplement, pp. 640.

¹³American Political Science Review, Vol. XIII, pp. 641-642.

¹⁴American Political Science Review, Vol. XV, November 1921, pp. 576 ff.

composed of the governor, the secretary of state, the treasurer, the auditor, the attorney general, the highway commissioner and the superintendent of public instruction to act in a supervisory capacity over all other state departments.¹⁵ In 1921 the legislature of Utah created two new departments and one board. The legislature assigned to the department of registration,¹⁶ the duties of nine former boards; to the department of agriculture,¹⁷ the combined agriculture activities; and to the department of finance,¹⁸ the establishment of a uniform system of bookkeeping and accounting, and the centralized control of supplies and materials in all of the state departments. In 1921 the legislature of Missouri¹⁹ enacted several statutes²⁰ which combined the six boards for eleemosynary institutions into a single board; consolidated the functions of the food and drug commissioner, the state inspector of oils, the state beverage inspector and the hotel inspector into a department of public welfare; abolished six separate offices dealing with labor and assigned their duties to a department of labor, and created a department of budget with a tax commissioner to whom were assigned the duties of preparing a budget and of letting all contracts and of purchasing all supplies. In 1921 the legislature of New Mexico created a department of public welfare, combining the powers of five former boards and offices dealing with public health and welfare.²¹

Five states, Illinois,²² Nebraska,²³ Idaho,²⁴ Washington,²⁵ and Ohio²⁶ have effected a general reorganization. The following comparative table shows the chief characteristics of the plans adopted by these states:

¹⁵Ibid, pp. 579 ff.

¹⁶Utah Session Laws, 1921, Chapter 130.

¹⁷Ibid, Chapter 2.

¹⁸Ibid, Chapter 127.

¹⁹American Political Science Review, Vol. XV, August 1921, pp. 383.

²⁰Suspended by referendum until November 1922.

²¹New Mexico, Laws of 1921, Chapter 117.

²²Illinois, Session Laws, 1917, Civil Administrative Code.

²³Nebraska, Session Laws, 1919, Chapter 190.

²⁴Idaho, Session Laws, 1919, Chapter 8.

²⁵Washington, Session Laws, 1921, Chapter 7.

²⁶Ohio, General Code, Chapter 1A, Division I, Title III, Part First.

COMPARATIVE TABLE OF STATES WHICH

State	Reorganiza-tion. How Created. When.	Number and Names of Departments Created	Approximate Number of Agencies Consolidated	Name Applied to Department Head
Illinois	By statute Civil Ad-minis-trative Code, 1917	Nine Agriculture Labor Mines and minerals Public works Public welfare Public health Trade and commerce Registration and education Finance	125	Director
Idaho	By Statute Administra-tive Consolida-tion Act, 1919.	Nine Agriculture Commerce and industry Finance Immigration, labor and statistics Law enforcement Public investments Public welfare Public works Reclamation	50	Commiss-ioner
Nebraska	By statute, 1919. Civil Administra-tive Code	Six Finance Agriculture Labor Trade and commerce Public welfare Public works	24	Secretary
Washington	By statute. Administra-tive Code, 1921	Ten Public works Business control Efficiency Taxation and examination Health Conservation and development Labor and industries Agriculture Licenses Fisheries and game	68	Director
Ohio	By statute. Administra-tive Code, 1921	Eight Finance Commerce Highways and Public works Health Industrial relations Education Agriculture Public welfare	37	Director

*By constitutional amendment, 1920, the approval of the two houses

HAVE ADOPTED REORGANIZATION

13

Selection of Department Heads	Removal	Term	Annual Salary of Department Head	Budget
By the governor, with consent of the senate.	By the governor	4 years	3- \$5000 2- \$6000 4- \$7000	Prepared by the department of finance
By the governor, except the commissioner of immigration, labor and statistics, who is appointed by the governor and senate for two years.	By the governor	At the pleasure of the governor	\$3600	Prepared by the department of finance
By the governor, with consent of the senate (and house).*	By the governor	2 years	\$5000	Prepared by the department of finance
Governor, with consent of the senate.	By the governor	At the pleasure of the governor	Not to exceed \$6000	Adopted in 1915
By the governor, with consent of the senate.	By the governor	At the pleasure of the governor	\$6500	Prepared by the department of finance

in joint session is necessary.

In the main the underlying principles of co-ordination and correlation are recognized. The independent boards and commissions have been consolidated into a few departments, with the department heads appointed by the governor. In Illinois and Nebraska they are appointed for terms of the same length as that of the governor, while in Idaho and Washington they hold office during the pleasure of the chief executive. However, in all five states they may be removed by the governor at any time, thus subjecting them to his supervision. The consolidation in each of the states was established by statute and affects no constitutional office. Complete reorganization cannot be accomplished without constitutional amendment, making appointive those constitutional executive officers who are elected. Nebraska is the only state of the five which codified the laws to be enforced by each of the departments, thereby clarifying the duties of the newly created departments.

Maryland²⁷ and Massachusetts²⁸ are among the states which have recently adopted reorganization plans. The Maryland plan is based upon the principle of co-ordination of related activities. The agencies and offices performing similar functions are merged into one department with both elective and appointive officers administering the functions of the department. No additional powers are given to the governor, but for purposes of general co-ordination an advisory council composed of the major state officials is provided for. This plan becomes operative January 1, 1923.²⁹ In Massachusetts the reorganization of state administration was made possible by constitutional amendment. In carrying out the provisions of the amendment, the legislature created twenty departments, the maximum number permitted. Four of the departments were headed by constitutional officers, independent of the governor, and several were headed by commissions whose terms of office ranged from three to six years, while the gov-

²⁷National Municipal Review, Vol. VIII, Supplement, pp. 653 ff.
University of Texas Bulletin, pp. 24 ff.

²⁸Plan for the Reorganization of the Administrative Departments of the State of Maryland, adopted September 14, 1921, pp. 28 ff.

²⁹Act to organize in departments the executive and administrative functions of the state government of Maryland.

ernor is elected for two years. Consequently executive responsibility was not so definitely fixed as in other states where reorganization plans have been adopted. It was soon seen that the scheme of reorganization was not thorough enough to work effectively. Therefore, the legislature of 1921 appointed a commission to make a survey of the state government and recommend plans for a new reorganization. The committee reported in January, 1922, recommending a consolidation of state activities "into nine major administrative departments, four others under constitutional officers, two others with limited duties, and four executive activities—a total for all activities of nineteen."³⁰ A bill embodying these recommendations is now before the legislature and favorable action is predicted.

PLANS OF REORGANIZATION

The principles recognized in the plans of reorganization are: (1) The grouping of administrative agencies according to functions, consolidating them into a small number of departments, each headed by a single officer, except those departments where quasi-legislative and quasi-judicial or inspectional and advisory functions require a board. (2) The adoption of the principle that the governor is to be held responsible for the administration of the state by giving him power to choose the heads of departments which constitute a cabinet to be held strictly accountable to him through his power to appoint and remove. (3) The adoption of the merit system for the selection of minor officials. (4) The terms of the governor and department heads to be the same. The grouping of the several departments into appropriate divisions and bureaus, responsibility for each branch of work to be centralized in an accountable chief. Bureau and division chiefs are to be appointed by the governor or by the department head. (5) The adoption of a budget system, vesting in the governor the responsibility for its presentation to the legislature.³¹

³⁰Massachusetts, Report on State Administration and Expenditures, January 1922.

³¹University of Texas Bulletin, pp. 68 ff. New York Report 1919, pp. 291 ff.

The demand for reorganization has not been a partisan issue. The movement has been initiated and encouraged by governors, political scientists and investigating commissions.³² Although it is a recent movement in state government, it is not a new idea in the American governmental system. The national administration, for more than a century has been organized into a few departments upon the basis of co-ordinate grouping of functions. The heads of the departments are chosen by the president and serve at his pleasure. Responsibility for the national administration is thus centralized in the president. Municipal administration for the past twenty years has been reorganized with the grouping of the former city departments, boards and agencies under a few departments, each under the control of a single commissioner in whom is centered definite responsibility for the work of his department. This system, known as the commission form of city government, has been adopted by more than four hundred cities. Out of the commission type of municipal government there has developed more recently the manager-commission plan in which the commission becomes mainly a legislative body and chooses the manager who is empowered to select his associates and who exercises supervisory control over the entire city administration organized into a few departments. Over two hundred cities have already adopted the manager-commission system of government.³³ State administrative reorganization is a demand for the application of the national administrative system to state administration as well as the application of private business principles in the conduct of public business.

³²Crennan, C. H. *A Survey of State Executive Organization*, pp. 77 ff.

³³National Municipal Review, Vol. VIII, Supplement pp. 639 ff.

CHAPTER II

REORGANIZATION UNDER THE CIVIL ADMINISTRATIVE CODE IN NEBRASKA

CONDITIONS PRIOR TO 1919

The constitution of Nebraska, adopted in 1875, provided for an executive department of eight members⁸⁴ and prohibited the creation of any other state executive offices.⁸⁵ Any new duties arising were to be performed by those officers created by that constitution.⁸⁵ The governor was made the chief executive to see that the laws of the state were faithfully carried out.⁸⁶ As the state grew and developed, new activities and functions had to be administered by those officers already in existence. To meet these increasing demands the following boards and commissions were created with the state executive officers as ex-officio members: board of charities and corrections, banking board, insurance board, depository bonds board, voting machine commission, board of canvassers, board of irrigation, highways and drainage, department of health, board of veterinary medicine, board for the registration of nurses, board of pharmacy, board of vocational education, normal school board, board of equalization and assessment, and board of educational lands and funds.⁸⁷ Each of the constitutional officers served on two or more boards. The personnel of each board was fixed by law. The governor was assigned to thirteen boards, the attorney general to nine, the auditor and the secretary of state each to seven, the treasurer to six, the commissioner of public lands and buildings and the superintendent of public instruction each to five.⁸⁸ A system of administration by boards developed, whose functions were distantly related. There was no attempt to classify and con-

⁸⁴Constitution, 1875, Article V, Section 1.

⁸⁵Ibid. Article V, Section 26.

⁸⁶Ibid. Article V, Section 6.

⁸⁷A constitutional board.

⁸⁸See Chart I.

solidate related functions under one definite head. Furthermore, it was physically impossible for these officers to perform all of the duties assigned to them, so deputy officers were appointed to assist them. In complying with the constitutional provision which prohibited the creation of new offices, the governor was made the commissioner of numerous activities and the deputies were then appointed who actually performed the work. The following deputy offices, boards and commissions developed:³⁹ game and fish commission, fire commission; food, drug, dairy, oil and hotel commission, and sealer of weights and measures; state veterinarian and livestock sanitary board, bureau of printing, board of mediation and investigation, minimum wage commission, bureau of labor, prison board and advisory board of pardons, board of examiners of public accountants (of which the state auditor was made a member), board of inspection of child labor, forestation commissioner, adjutant general, the examining boards in osteopathy, optometry, chiropractic, embalmers, dental secretaries; medical advisory board, railway commission,⁴⁰ board of control of state institutions,⁴⁰ and board of regents.⁴⁰

In the selection of these deputies no uniform method was followed. They were appointed (1) by the *governor*, subject to no special limitation or subject to certain qualifications or on recommendation of a board; or from a limited list submitted by professional organization; (2) by a *board*, subject to no special qualification, or from a list submitted by a professional organization. No uniform method of removal was provided for. The officers were removed (1) by the governor for cause, or at his pleasure, or on recommendation of a board; (2) by a board for cause, or at their pleasure; and (3) by a department for neglect of duty.⁴¹ While the governor held office for a term of two years, the subordinate officials held offices for terms ranging from two to six years. Thus many of these officials were not responsible to the governor for the

³⁹This list includes only those in existence in 1919, and excludes those offices created and abolished from time to time, such as the state architect and the state election commission.

⁴⁰Constitutional board.

⁴¹See Table I.

execution of their duties, and could not be removed by him, since he could remove only those whom he appointed. Consequently, the governor had no means by which he could check the officials for neglecting their duties. There was also a tendency to shift the responsibility for the performance of duties due to the fact that the boards were composed of several persons, none of whom could be held definitely responsible. Administrative control was further hampered by the lack of any uniform system of reporting by the subordinate officials. They not only reported to different officials but, furthermore, their reports did not cover the same period of time. In some instances, no reports were required, while in other cases there was designated no definite time when the report should be made nor a definite period of time to be covered by the report.⁴² The governor could not effectively check the work of the officials as would have been possible if they had been required to report to him at the same specified time, clearly setting forth the work performed during a definite period. In the cases of the constitutional officers, biennial reports of the work of the department were made to the governor. From the standpoint of reporting, executive check in the case of constitutional officers was more definitely fixed than in the case of the appointive officials. However, due to the fact that the former officers were elected and were not subject to supervision or removal by the governor, this control through reporting was not very effective.

Thus, while the governor was vested with the supreme executive power, he could not see that the laws were faithfully executed because he had no general supervisory power over the elected executive officers, and no appointive and removal power sufficient to check the subordinate officials. Responsibility was divided and could not be definitely fixed because of the tendency to shift responsibility which developed from the board system or multiple-headed executive. Functions were distributed haphazardly and were performed or neglected by the boards and commissions whose numerous duties were distantly related. With the expansion of state functions and activities there was a proportionate increase

⁴²See Table I.

in the ineffectiveness and wastefulness of the decentralized system of administration. So obvious were its defects that several governors of the state recommended changes in the system.

RECOMMENDATIONS OF GOVERNORS

In 1913, Governor Aldrich, in his message to the thirty-third session of the legislature, recommended the appointment of a committee of experts to make an impartial investigation to ascertain to what extent reorganization might be made. He stated that there was an unnecessary duplication and expense and that there was need of more business-like methods.⁴³ During the thirty-third session of the legislature a joint committee was appointed to make investigation prior to reform.⁴⁴ In its report in 1914, it observed that "The original organization of the state's business in the constitution of 1875 provided for three main divisions of the state government, executive, legislative and judicial, with seven executive departments. In the thirty-nine years which have elapsed since the adoption of the constitution additions have been made until there are now eighty-two distinct objects of appropriation."⁴⁵ This committee recommended that "an efficiency survey of the state be provided for . . . with a view to bringing the various functions under a few departmental heads so as to promote efficiency, organization, and economy."⁴⁶ The following are some of the reasons stated by the committee in making this recommendation:

"(1) The development of state functions and institutions in Nebraska during the past forty years has been the result of separate impulses and local interests working upon different sessions of the legislature. It is agreed upon by all competent critics familiar with our state affairs that there is duplication in work and lack of that clear, comprehensive plan of public business found in well-managed private affairs. It is time in the state's development for a survey and a plan.

⁴³Aldrich, C. H. Message to the Thirty-Third Session of the Legislature, 1913, pp. 33 ff.

⁴⁴House Journal, 1913, pp. 1348 ff.

⁴⁵Report of Joint Committee on Legislative Reform, May 1914, p. 17.

⁴⁶Report of Joint Committee on Legislative Reform, May, 1914, p. 19.

(2) The need felt in Nebraska is being acted upon in other states. Economy and efficiency surveys are now under way in Illinois, Iowa, South Dakota, Minnesota, New York, Pennsylvania, and Massachusetts. Our state will have the benefit of the experience developed in handling this problem in these states.

(3) A combination of local interests in widely scattered state institutions, each represented by members of the legislature desirous of promoting the local interest by expenditure of public money in their districts, has made it well-nigh impossible in Nebraska, as well as in other states, to secure appropriation bills based upon the general need. . . . It is a familiar fact in the experience of members that freedom to speak and vote their convictions in the public interest is very often heavily hampered by the desire to secure appropriations for local institutions. This situation calls for the efficiency survey by experts outside of local influence and for the state budget made by a courageous officer elected by the entire state."⁴⁷

Governor Morehead in his message to the legislature in 1915 and in 1917 recommended the consolidation of boards where possible.⁴⁸ Steps toward consolidation were taken in 1915 when the stallion registration board was consolidated with the state veterinarian and livestock sanitary board,⁴⁹ and in 1917 when the hotel commission was united with the food, drug, dairy, and oil commission.⁵⁰

Governor Neville in his message to the thirty-seventh session of the legislature in 1919 said, "the board system is not only expensive and inefficient, but in addition divides authority and responsibility. It is, at present, impossible to handle the state's affairs in the efficient manner that would be demanded by any business man in the conduct of his private transactions, and the thing most needed is a centralized responsibility for the discharge of the trust assumed by men who are elected by the people to serve as public officers.

⁴⁷Ibid, p. 45.

⁴⁸Morehead, J. H., House Journal, 1915, p. 207; Message, 1917, p. 8.

⁴⁹Session Laws, 1915, chapter 169.

⁵⁰Session Laws, 1917, chapter 69.

Divided authority and responsibility breed waste and inefficiency, conditions too often incident to the expenditure of the funds raised in taxes from the people of the state."⁵¹

In 1918 the republican party declared in its platform, "We favor the enactment of a civil administrative code in this state, creating a financial and accounting system whereby a vigorous and effective audit over financial expenditures of the state may be established, and providing for the consolidation of the boards, institutions, commissions and different departments and agencies of government, thereby eliminating useless offices and positions and avoiding the overlapping functions thereof, and we further favor the creation of an effective budget system to the end that government functions may be more efficiently and economically administered."⁵²

Mr. McKelvie, the newly elected governor, interpreted his election as a mandate from the people to carry out the pledge to bring about the establishment of a business-like administration. Accordingly, he urged the legislature of 1919 to enact a measure by means of which the existing statutory boards and commissions would be consolidated into reasonably well-defined departments. The legislature made such change possible by enacting a civil administrative code.⁵³

CODE OF 1919

The bill providing for the reorganization was introduced in the senate January 13, 1919, as senate file number two and passed in that house March 27, 1919, by a vote of 18 to 13.⁵⁴ It was sent to the house of representatives on March 27, 1919, where it was passed on April 10, 1919, by a vote of 60 to 33.⁵⁵ The bill was signed by the governor on April 18, 1919.⁵⁶ No emergency was declared on the measure, so it would become effective three months after the adjournment of the legislature in accordance with the constitutional provision.⁵⁷ The legislature adjourned on April 18, 1919,⁵⁷ and

⁵¹Neville, Keith. Message to the thirty-seventh session of the legislature, 1919, pp. 6 ff.

⁵²McKelvie, S. R. A Responsible Form of Government.

⁵³Session Laws, 1919, Chapter 190.

⁵⁴Senate Journal, 1919, pp. 1390 ff.

⁵⁵House Journal, 1919, pp. 1343 ff.

⁵⁶Constitution, 1875, Article III, Section 3.

⁵⁷Session Laws, 1919, title page.

before the three months had elapsed at which time the code would go into effect, referendum petitions upon it were circulated. The petitions were filed July 14, 1919, with the secretary of state, who refused to accept them⁵⁸ on the ground that a full copy of the measure was not attached to each petition as the law provided.⁵⁹ In an action in the district court of Lancaster county to compel the secretary of state to accept the petitions the writ was denied August 2, 1919, and the action of the secretary was upheld on the ground that the petitions did not conform to statutory requirements and were therefore illegal.⁶⁰ In an appeal to the state supreme court the decision of the district court was reversed on March 13, 1920, and the writ was ordered to be issued.⁶¹ The supreme court based its decision upon the ground that "any law requiring a 461 page book to be attached to each of 1,472 sheets circulated for twenty names is obtrusive and unreasonable and such legislation hampers and renders ineffective the constitutional power reserved to the people." The law would therefore be unconstitutional and in this particular case the court said that it was sufficient compliance with the law⁶² that the referendum petition taken as a whole have attached to it when offered for filing a full and correct copy of the measure upon which the referendum was demanded.⁶³ On June 29, 1920, the state supreme court held a rehearing of the case which dealt with the question of the jurisdiction of the court. The law provides that an appeal may be made from a decision of the district court in regard to the legality of petitions, within ten days after a decision by the district court,⁶⁴ In this case the decision of the district court from which the appeal was taken was made August 5, 1919, and appeal to the supreme court was made August 19, 1919, fourteen days after the decision of the district court. The supreme court,

⁵⁸Nebraska State Journal, July 15, 1919.

⁵⁹Revised Statutes, 1913, Section 2337.

⁶⁰Opinion of Judge Morning, district court of Lancaster county, August 2, 1919.

⁶¹State v. Amsberry, 177 Northwestern pp. 179 ff.

⁶²Revised Statutes, 1913, Section 2337.

⁶³State v. Amsberry, 177 Northwestern, pp. 179 ff.

⁶⁴Revised Statutes, 1913, Section 2339.

on reconsidering, vacated its former judgment, deciding that it was without proper jurisdiction because appeal had not been made within the time necessary to and a prerequisite of that jurisdiction.⁶⁵

Thus the code went into effect three months after the adjournment of the legislature. Previous to its enactment no preliminary study of the administrative system of the state was undertaken. However, a study of the Illinois code and its operation was made by Governor McKelvie. The code contains approximately four hundred and thirty pages,⁶⁶ most of which is a codification of the laws, arranged so that the duties and powers of each department are clearly defined. The unusual length of the act is due to the necessity of complying with the constitution, which provides that all amending acts must contain all of the sections of the laws which are amended.⁶⁷

PROVISIONS OF THE CIVIL ADMINISTRATIVE CODE

The code simplifies the administrative machinery by eliminating twenty-four boards and commissions⁶⁸ whose functions it correlates into six departments. The civil administration of the state is vested in the governor who is to be aided by these six departments: finance, agriculture, labor, trade and commerce, public works, and public welfare.⁶⁹ At the head of each department is a secretary appointed by the governor with the consent of the senate.⁷⁰ This method of appointment is modified by a provision of the revised constitution of 1920 whereby the consent of a majority of all the members of both houses of the legislature meeting in joint session is necessary to confirm appointments.⁷¹ The secretaries receive an annual salary of \$5,000.⁷² They are appointed for a period of two years.⁷³ The code originally provided for the

⁶⁵State v. Amsberry, 178 Northwestern, p. 822 ff.

⁶⁶Session Laws, 1919, Chapter 190.

⁶⁷Constitution, 1875, Article III, Section 11.

⁶⁸Session Laws, 1919, Chapter 190, Repealing Sections.

⁶⁹Session Laws, 1919, Chapter 190, Title I, Article I, Section 2.

⁷⁰Ibid. Section 7.

⁷¹Revised Constitution, 1920, Article IV, Section 1.

⁷²Session Laws, 1919, Chapter 190, Title 1, Article 1, Section 4.

⁷³Ibid. Section 8.

appointment of subordinate officials by the governor on the recommendation of the department heads but the constitution as revised in 1920 gives this power, as well as the power of removal, exclusively to the heads of the various executive departments.⁷⁴

The secretaries make their own departmental regulations. If the governor approves, they may establish branch offices for conducting some special function.⁷⁵ The governor has adequate check upon the secretaries by virtue of the fact that they are ultimately responsible to him for the conduct of their departments.

An efficiency engineer assisted in planning and formulating the departmental organization. The principle of centralized responsibility is well carried out. Each department is organized into bureaus and divisions with a chief at the head of each. Minor officials are responsible to the chiefs who in turn are responsible to their respective secretaries, all of whom are finally responsible to the governor.

DEPARTMENTS AND THEIR SUB-DIVISIONS

The department of finance is organized into two divisions: (1) division of accounts and budget, and (2) division of purchase and supplies. This department takes over the duties of the former bureau of printing and supplies, but most of the duties of this department are new.⁷⁶ The first group of duties is to prescribe a uniform system of bookkeeping, accounting and reporting for all of the code departments; to allow all department vouchers; to act as state purchasing agent; to formulate plans for better departmental co-ordination; and to examine the accounts of all state expending agencies. The second group of duties is to prepare a state budget based upon data gathered from the various departments and institutions of the state government. This budget forms the basis of the budgetary recommendations proposed by the governor to the state legislature.

⁷⁴Revised Constitution, 1920, Article IV, Section 1.

⁷⁵Session Laws, 1919, Chapter 190, Title 1, Article 1, Section 12.

⁷⁶Ibid. Title II.

The department of agriculture is organized into four bureaus: (1) bureau of markets, which has six divisions—weights and measures, seeds, agricultural statistics, state development, agricultural publicity, and clerical and records division; (2) bureau of foods, drugs, and oil inspection; (3) bureau of animal industry, which has three divisions—inspection and control, hog cholera control, and bovine tuberculosis eradication; and (4) bureau of game and fish, which has three divisions—inspection and control, conservation and distribution, and fish culture. This department takes over the duties of the former food, drug, dairy, oil, and hotel commission, the livestock sanitary board, and the board of agriculture⁷⁷—except the control of state and county fairs—the game and fish commission, and the state sealer of weights and measures. The department deals with all agricultural interests of the state, publishing statistics relative thereto, enforces fish and game and livestock laws, has charge of the inspection of food, drug and dairy products and the regulation of weights and measures.⁷⁸

In the department of labor there are two divisions: (1) division of employment, and (2) division of compensation and investigation. This department takes over the duties performed by the compensation commissioner and deputy labor commissioner. It administers the workmen's compensation laws, enforces employment and safety regulations, and child labor laws. It maintains a free public employment bureau and collects and publishes labor statistics.⁷⁹

In the department of trade and commerce there are three bureaus and two divisions: (1) bureau of banking, (2) bureau of insurance, (3) bureau of securities, (4) clerical and records division, and (5) division of fire prevention. This department takes over the duties of the former banking board, insurance board, fire commissioner, and blue sky division of the railway commission. Besides these duties, it collects and publishes commercial and industrial statistics of the state.⁸⁰

⁷⁷A voluntary organization receiving state money.

⁷⁸Session Laws, 1919, Chapter 190, Title III.

⁷⁹Session Laws, 1919, Chapter 190, Title IV.

⁸⁰Session Laws, 1919, Chapter 190, Title 5.

In the department of public welfare there are four bureaus: (1) bureau of examining boards, (2) bureau of health with five divisions—laboratories, epidemiology, venereal diseases, vital statistics, and sanitary engineering, (3) bureau of social service, and (4) bureau of child welfare. This department takes over the duties of the former state board of health and the examining boards, and the board of charities and corrections. The department has general supervision over all matters relating to public health and welfare, issues licenses to physicians and surgeons, osteopaths, chiropractors, dentists, optometrists, chiropodists, nurses, pharmacists, veterinarians and embalmers, and has charge of vital statistics.⁸¹

The department of public works is organized into (1) a clerical and records division, (2) a bureau of roads and bridges with a division of maps and plans, a division of road construction, and a division of road equipment, and (3) a bureau of irrigation, water power and drainage. It takes over the duties that were performed by the board of irrigation, highways and drainage, and the licensing of motor vehicles from the department of state. It has general supervision over the construction of highways, bridges and public improvements. For purposes of irrigation the state is divided into two water divisions with a superintendent at the head of each division, appointed by the secretary of the department and subject to his supervision.⁸²

The reorganization abolishes all of the statutory boards and offices except the following: Depository bonds board, board of canvassers, board of examiners of public accountants, forestation commission, adjutant general, voting machine commission,⁸³ board of vocational education.⁸⁴ The reorganization does not disturb the executive offices and boards created by the constitution which are: the governor, lieutenant governor, secretary of state, attorney general, auditor, treasurer, superintendent of public instruction, commissioner

⁸¹Session Laws, 1919, Chapter 190, Title VI, pp. 750 ff.

⁸²Session Laws, 1919, Chapter 190, Title VII, pp. 802 ff.

⁸³Repealed, Session Laws, 1921, House Roll 242.

⁸⁴Session Laws, 1921, Senate File 312. (Note change in personnel).

of public lands and buildings,⁸⁵ railway commission,⁸⁶ board of control,⁸⁷ board of regents,⁸⁸ and board of educational lands and funds.⁸⁹ The revised constitution of 1920 provides also for a board of pardons,⁹⁰ a tax commissioner,⁹¹ a board of equalization and assessment, and a normal school board,⁹² making a total of sixteen constitutional executive offices, boards and commissions.

Thus, the present⁹³ administrative system includes sixteen constitutional offices, six statutory boards and commissions and the six departments created by the code.⁹⁴ While reorganization has not been complete, it is a decisive step toward curing some of the defects of the former system. Executive responsibility, through the appointive and removal powers, has been definitely recognized. The governor can be the supreme executive not only in theory but in fact, with the exception of lack of responsibility for the constitutionally created executive officers, who are independent of him. The code recognizes a check upon subordinate officials not only through the powers of appointment and removal but also by means of reporting. All reports which were formerly made to different boards and commissions are made to the governor.⁹⁵ Reporting is not only simplified but there is furnished a means by which an effective check upon officials can be exercised by the one directly responsible for state administration. Each secretary makes an annual financial report to the governor⁹⁶ which furnishes a control over state expenditures, thereby preventing waste of state funds within the code departments.

⁸⁵Constitution, 1875, Article V, Section 1.

⁸⁶Ibid. Article V, Section 19a.

⁸⁷Ibid. Article V, Section 19.

⁸⁸Ibid. Article VIII, Section 10.

⁸⁹Ibid. Article VIII, Section 1.

⁹⁰Revised Constitution 1920, Article IV, Section 13.

⁹¹Ibid. Article IV, Section 28.

⁹²Ibid. Article VII, Section 13.

⁹³May 1922.

⁹⁴See Chart II, and Table II.

⁹⁵Session Laws, 1919, Chapter 190, Title VIII, Article IV, Section 2.

⁹⁶Session Laws, 1919, Chapter 190, Title I, Article I, Section 17.

The revised constitution of 1920 may modify state administration in several important respects. In the first place, it gives the legislature power to place the constitutional executive officers as heads of departments created by the legislature.⁹⁷ This method would tend toward decentralization because the heads of departments would then be elected as the governor is and would not be subject to his supervision. He would have no check upon them and would not actually be responsible for their acts. In the second place, the constitution permits the creation of new executive offices,⁹⁸ thus making it possible to overcome the obstacle of the constitution of 1875 which led to the irresponsible administrative system. In the third place, it gives the governor power to remove departmental heads whom he appoints,⁹⁹ thus recognizing the importance of the principle of removal by the chief executive as a means for controlling subordinate administrative officials. Lastly, it recognizes the principle of executive responsibility for a budget.¹⁰⁰

⁹⁷Revised Constitution, 1920, Article IV, Section 1.

⁹⁸Ibid. Article IV, Section 27.

⁹⁹Ibid. Article IV, Section 1.

¹⁰⁰Revised Constitution, 1920, Article IV, Section 7.

CHAPTER III

FUNCTIONING OF THE DEPARTMENTS UNDER THE CIVIL ADMINISTRATIVE CODE

Several of the outstanding features of reorganization such as inspection, standardization of records, centralized purchasing, centralized control of expenditures, and the state budget system must be considered in a discussion of the functioning of the code departments.

INSPECTION

From the point of view of direct contact with the people of the state, inspection, perhaps, is one of the most important of the functions of the code departments. In those bureaus where inspection is the major work, inspectors or examiners are assigned to definite districts to perform the inspections. For instance, under direction of the department of agriculture, the state is divided into twelve districts for food and drug inspection, and into seven districts for dairy inspection. The state is likewise divided into districts by the bureau of banking and the division of fire prevention, both under the department of trade and commerce. In other bureaus, such as the bureau of insurance and the bureau of securities in the department of trade and commerce, the officials are sent directly from the office headquarters to conduct examinations and inspections. The qualifications of each inspector depend upon the nature of his work. Expert knowledge is required in such lines as mines and oils, drugs, and insurance, while business experience in a particular field is a prerequisite in other work. For example, for a man to qualify as a state bank examiner, he must have had at least three years of practical banking experience. Similarly, in all of the bureaus, each of the inspectors must be thoroughly familiar with the subject with which he deals.

The number of inspectors ranges all the way from one to twelve, the exact number depending upon the necessity and the extent to which each bureau is concerned with a particular

field of inspection. There is only one drug inspector for the entire state, while there are four fire inspectors, seven inspectors of dairy industry, eleven bank examiners and twelve food inspectors. Inspections are made more frequently and more regularly in some fields of work than in others, the number varying with each subject. Kerosene and oil are inspected once each month by the food inspectors in each district. The law requires that these products be inspected before being offered for sale or used within the state. To see that these products are kept up to certain standards of safety it is essential to make tests frequently. Banks are examined twice yearly, insurance companies on the average of once in three years, and mining or oil corporations are examined whenever application is made to sell stock in Nebraska. These last mentioned examinations are made for the financial protection of the people, to see that the accounts and investments of these corporations are kept within legal requirements. Some inspections are made regularly once a year, such as the sanitary inspections of the various food establishments, groceries and bakeries. These inspections are of great importance to public health and it is of vital concern that such places be kept clean and sanitary and all orders necessary to that end are issued by those bureaus performing those inspectional functions. During 1921 alone 13,837 food and drug inspections were made by the department of agriculture and 831 sanitary orders issued. The inspection of food products includes the inspection of food in packages and in bulk form. The law prohibits the adulteration of any food with substances which may be injurious to the health, or the substitution of any food product for an inferior or worthless article, and provides for the labeling of all foods, so that the purchaser shall not be misled or deceived. If food is thought to be misbranded or adulterated, samples, officially sealed, are sent to the laboratory division of the department of agriculture where they are analyzed. As a result of the 2,888 analyses made during the biennium from December 1, 1918 to December 1, 1920, 118 prosecutions were filed charging adulteration or misbranding. Conviction and fines were secured in each case.¹⁰¹

¹⁰¹Biennial report of the department of agriculture, 1920, p. 22.

Constant care and supervision are necessary to keep drugs and foods free from adulteration and misbranding. Hotels are regularly inspected to determine whether the owner is observing the legal requirements for conducting the hotel in a manner consistent with the health, safety and comfort of the guests. Potatoes are inspected in car lot shipments and graded to assist the farmer in marketing his produce. The potatoes are classed into four grades: fancy, grade one, grade two and miscellaneous. This work is of a seasonal nature and is carried on by the aid of men in the different localities who are trained by the inspectors from the bureau of markets. One phase of inspection which is increasing in importance is that of testing live stock for tuberculosis, which is conducted by the Nebraska bureau of animal industry of the department of agriculture in co-operation with the United States bureau of animal industry. For the purpose of maintaining herds free from this disease, owners of cattle sign agreements to come under the accredited herd plan—to live up to certain sanitary regulations and receive indemnity for reacting cattle. The cattle are slaughtered and the owners remunerated for loss. During the year 1921, 1,504 owners of cattle signed agreements to come under this plan. 41,138 animals were tested with 1,343 reacting to the tuberculosis test. For these reacting cattle \$10,446.09 were paid to the owners.¹⁰² When herds pass two clear tests they are accredited both by the United States and the state bureaus of animal industry as being free from tuberculosis. For the prevention and eradication of animal diseases, hog cholera and scabies, inspections are also necessary.

No less important than the inspections made under the direction of the department of agriculture are those carried on by the department of public welfare in the interest of public health and general welfare. The conditions of children are investigated in each county by the child welfare bureau in the department of public welfare with the co-operation of county officials. Afflicted, neglected and dependent children are given aid and placed in homes where they are given good

¹⁰²Manuscript statistical report of the secretary of agriculture, 1920, pp. 12 ff.

care and treatment. The attention of the state child welfare bureau is directed to the most needy cases by local organizations. An attempt is made by the bureau of health also in the department of public welfare to raise the standard of health of all school children by making examinations and reporting physical defects. The reports are sent to the parents together with recommendations for improvement of conditions. While it is impossible to trace the results of all of the reports sent in by each county, nevertheless the bureau of health co-operates as much as possible to bring about improvements in child health. A very important phase of its work is the check and prevention of all communicable and contagious diseases. All violations of quarantine rules are reported and thoroughly investigated. When cases of venereal diseases are reported, investigations are made in an attempt to control the spread of the disease, and effect cures. During the year 1919, 4616 cases of venereal diseases were reported, while during the year 1920, 5774 cases were reported.¹⁰³ These figures do not necessarily indicate that these diseases are increasing but are accounted for by the fact that the physicians of the state are co-operating with the bureau of health by reporting the cases promptly. Each case is reported by number only, unless an individual discontinues treatment before being cured, in which case his name is furnished to the division headquarters and the social protective workers bring the case again under treatment until cured. Effort is made to locate sources of infection and eradicate them. Ten clinics are maintained in various parts of the state where treatment is given free to those individuals unable to pay.

As to the routine of inspection several interesting examples can be given. Under direction of the department of trade and commerce there is the division of fire prevention. All buildings of business concerns are inspected to see that the proper fire escapes are installed and that the buildings are in proper repair. Every inspection is reported to the division of fire prevention, the date and place of inspection as well as conditions showing that the law is not being observed, he may

¹⁰³Report of the department of public welfare, November 30, 1920, p. 12 ff.

recommend the issuance of an order to compel obedience. Fire-escape and repair orders are issued by the division of fire prevention. During the year 1921 the fire prevention division inspected 314 cities and towns with a total of 22,016 inspections issued 13,419 clean-up, repair, electric wiring, and fire escape orders in the interest of fire prevention.¹⁰⁴

The inspectional duties of the various divisions of the department of agriculture are many and the re-inspections are not least of the tasks. For example, if an inspector in the department of agriculture finds unsanitary conditions in a food establishment, he recommends the issuance of a sanitary order which, when approved by the bureau chief, is sent to the person concerned. A duplicate copy is always sent to the inspector, who, at the expiration of the time allowed within which to comply with the order, makes a re-inspection. He then reports to the bureau stating whether the order has been obeyed. If it has not been complied with, an extension of time may be granted or prosecution filed. Time extensions must be approved not only by the bureau chief, but also by the department head in order to check all attempts to evade orders. All prosecutions are conducted by the county attorney who represents the state in such cases. Each department has the power necessary to secure obedience to all regulations made to facilitate the enforcement of the laws for the protection of the people. Some bureaus may even revoke licenses if there be continued resistance to orders. During 1921, twenty-three licenses were revoked by the bureau of foods, drugs and oils¹⁰⁵ because of non-conformity with the requirements to promote the best interests of the state.

The inspectors are required to send in daily reports of the work performed, and to designate their routing for several days in advance so that a bureau may communicate with an inspector without delay. This rule is of prime importance in emergency cases and also frequently eliminates the necessity and expense of sending an inspector from the department when a field man may be in the immediate vicinity from which a complaint is made. Besides the daily reports the inspectors

¹⁰⁴Report of the state fire marshal, 1921, p. 4.

¹⁰⁵Manuscript statistical report, department of agriculture, 1921.

are also required to make regular reports relating to the work assigned them. These records are kept in permanent form by the department. The traveling expenses of the inspectors of the department of agriculture have been standardized so that an average expense for a certain class of inspection work has been established.¹⁰⁶ Additional expenses are usually incurred at the risk of the individual inspector. The expense of inspection is defrayed by fees. The fees charged for the examinations of banks and insurance companies, for all sanitary inspections made by the department of agriculture, and the fees collected by the examining boards in the department of public welfare, as well as all other fees, are sent directly to the state treasurer, where they are drawn by warrant to pay the expenses of inspectors and examiners.

RECORDS AND REPORTS

The standardization of the records of the code departments is a decidedly new feature in the executive branch. Within each department all records have been centralized into a single bookkeeping division. For instance, in the department of public welfare each of the ten examining boards kept its own records. When a change was made in the secretary of a board there was a change in the keeping of the records. Inaccuracies and ambiguities resulted. Now the bureau of examining boards keeps the records uniformly and in such a manner as to make them usable at present and in the future. Another interesting example of record keeping is found in the department of public welfare. As a result of the system inaugurated for the keeping of vital statistics, together with the close co-operation between the state bureau and the local registrars, Nebraska has been formally recognized by the national government and admitted to the United States registration area for both births and deaths. It is necessary to show 90 per cent of births and deaths before a state is given admittance to this area. Since the adoption of the civil administrative code, Nebraska's records show approximately 95 per cent of the births and 96 per cent of the

¹⁰⁶Biennial report of the department of agriculture, 1919-1920, p. 7.

deaths.¹⁰⁷ A record of the vital statistics of a state is of the utmost importance to the public health work. With a record of the deaths a community may know definitely what conditions or diseases are its greatest enemies. Nebraska adopted the main features of the plan suggested by the United states bureau of census for the reporting of vital statistics. Local registrars were appointed to report each month on the births and deaths in a designated territory. Although Nebraska adopted this system in 1905, it was not until 1920 that the required per cent of births and deaths were reported to place Nebraska in the United States registration area.

Furthermore, the department of labor now keeps in a permanent form the record of each compensation case and an individual ledger of the compensation paid. This information was formerly kept in a loose-leaf form. The liability of its being lost has been entirely removed under the new system. Similarly, each department keeps in a permanent, standardized form the records of its activities, thereby doing away with confusion and inaccuracy. Moreover, the accounting for all of the departments has been greatly simplified and standardized. It is done entirely by the department of finance. It was at first brought about by the co-operation of that department with the other code departments, but the legislature of 1921 empowered the secretary of finance to establish a uniform method of bookkeeping for all agencies receiving appropriations from the state.¹⁰⁸

A uniform system of reporting has been adopted by the code departments in order that the governor may receive at stated times work reports from each department. These consist of weekly reports which are mostly of a statistical nature. By means of these reports the governor is furnished with a complete, up-to-date record of each department. The departments compile biennial reports explaining in detail all of the activities and functions administered by each department. Besides these reports, some of the departments issue, from time to time, bulletins and literature pertaining to some activi-

¹⁰⁷Report of the department of public welfare, November 30, 1920, p. 11.

¹⁰⁸Laws of Nebraska, 1921, Chapter 210, Sections 6 and 14.

ity which is of special interest to the public and which is of educative value. The fire-prevention division issues a monthly bulletin containing information to awaken an interest in unnecessary fire waste and to caution the public in regard to electric wiring, defective chimneys, and related subjects. The department of agriculture publishes state agricultural statistics, and bulletins containing the regulations governing the importation of livestock in Nebraska. The department of public welfare issues literature at different times along the lines of sex hygiene and the prevention of contagious diseases.

PRINTING AND SUPPLIES

A decided change has been made in the method of letting contracts for the printing of reports. Formerly, each office, board, and commission made a general estimate of the number of pages to be included in each report. No attention was paid to the nature of the subject matter, whether it was descriptive or statistical. The state printer let the contracts on the basis of these general estimates, which, if proved to be underestimated when the reports were finally printed, caused deficiencies which had to be provided for by succeeding legislatures. Furthermore, no definite time was fixed within which the reports were to be delivered, and in numerous instances they were delivered long after the contract was let. For example the contract for a report was let in 1916 and the report was not delivered until 1920. Again, the contract for a report let in 1918 was not delivered until a year later. The defects of this system have been removed by the present method. Now, the state printer exercises strict supervision over the letting of contracts. Each officer must furnish a completed manuscript copy of the report to the state printer who carefully examines it to see whether it contains any unnecessary or repeated matter. He then co-operates with the department head to eliminate such superfluous material. After this supervision, the contracts are let according to the amount of descriptive and statistical matter. The exact number of pages is decided upon with the exact cost per page of each kind of material. After the contract is let no additions or modifications can be made except at the risk of the printer to whom the contract is let. All reports must be delivered from

the printer within thirty days. This method has resulted in a great saving to the state. The number of pages of reports has been cut down considerably in some cases. The report of the secretary of state for 1917-1919 which contained 120 pages was reduced to 14 pages in the 1919-1921 report. The treasurer's report for 1917-1919 contained 80 pages and for 1919-1921 it contained only 56 pages. While there was a decrease in the number of pages there was no relative decrease in the actual information given. So besides the financial saving the reports are now delivered promptly, giving up-to-date information to the people of the state.

The state purchasing agent, who is also the state printer, has charge of procuring office supplies for all of the activities of the state except the university and normal schools. Formerly, supplies were purchased in small quantities for each department whenever needed. At the present time the purchasing agent makes a general estimate of the needed supplies, based upon the amounts used during the preceding biennium. On this basis he is able to purchase in large quantities and consequently get better prices. The adoption of standard forms also eliminates unnecessary expense. Each department applies directly to the purchasing agent for any desired supplies and each requisition is charged against the department. This system of centralized control over purchasing has resulted in a net saving to the state of at least twenty per cent.

ACCOUNTING AND BUDGET

A definite policy in the system of auditing has been introduced by the department of finance. This change, first made possible by co-operative agreement of the code departments, was legalized and extended to all expending agencies of the state by the legislature in 1921.¹⁰⁹ At the beginning of each three months each department makes a quarterly estimate of expenditures needed, basing the the estimate upon the experience of the past biennium and the available appropriations. The combined estimates of the quarterly periods cannot exceed the total appropriation for the biennium. While this distribution is only approximate, it furnishes the basis for

¹⁰⁹Laws of Nebraska, 1921, Chapter 210, Section 15.

having sufficient funds for the entire biennium, thereby preventing deficits. No appropriation is available until it is approved by the governor and no requisitions are made by the secretary of finance unless the agency desiring the expenditure has available funds. This control of expenditures is entirely different from the functions of the state auditor. The control of expenditures by the department of finance, with its approval of each requisition before the order for the purchase is given, is a pre-audit, while that of the auditor is a post audit, dealing with expenditures only after purchases have been made. He has no discretionary power or control over the disbursement of funds and can refuse to allow vouchers only when there is no fund. Under the system of pre-auditing by the secretary of finance, it is impossible for deficiencies to occur, as often happened under the post-audit system of the state auditor.

Perhaps one of the most important functions is the preparation of the state budget, which is vested by the code in the department of finance. The first state budget law, enacted in 1915,¹¹⁰ provided for a state budget to be prepared by the governor. This budget was merely of the nature of a recommendation and did not necessarily have to be followed by the legislature in making appropriations. Furthermore, no systematic method of preparing the budget was required and the law was practically inoperative. Under the present system, the budget is prepared much more systematically and is of much greater significance. The secretary of finance,¹¹¹ by August 15th of each year preceding the regular session of the legislature, distributes to all offices blanks for the preparation of the budget estimates. By September 15th, all departments must file reports stating the estimated requirements for the next biennium for each unit of their organization. The statement must also show all moneys received during the past biennium and the estimated receipts for the coming biennium. The secretary of finance then compiles the estimates of revenue and appropriation which he submits to the governor by November 15th. The governor may provide for

¹¹⁰Session Laws, 1915, Chapter 229.

¹¹¹Laws of Nebraska, 1921, Chapter 210.

public hearings on particular items between November 15th and December 15th. He may, however, raise, lower, or reject any estimate but he must state his reasons for doing so in his report to the legislature. The appropriations made by the legislature cannot be in excess of the governor's recommendations unless three-fifths of each house of the legislature desire.¹¹² Any item may be decreased or rejected by the ordinary majority vote. It is evident that under the present system greater responsibility is placed upon the governor for the budget system thereby holding him accountable for the financial policy of the state.

MANAGEMENT AND SALARIES OF EMPLOYEES

Several features have been instituted for the promotion of greater efficiency in the performance of the the duties assigned to minor officials. Prior to the adoption of the code there was practically no record of the state's employees. A standard system of registration has been adopted whereby each department has a daily report of each employee, including the time of arrival, the time at lunch, and the time of leaving. The employees away from headquarters mail daily report cards to the departments. These reports are made the basis of the distribution of salaries. The records from them are accumulated for the month on cards in the department of finance, which show the number of days each month that each employee has worked less than eight hours, the number of days each has worked over eight hours, together with the time and the number of days that each has been absent on sick-leave or vacation without pay. These records are used as the basis of promotion. When the code went into effect it was discovered that there was little connection between duties performed and the pay received by the different employees under the former boards and commissions. The departments have co-operated in establishing a salary standardization plan. The plan adopted provides for a standard title of employment with uniform salaries for the same class of work in all the code departments. It establishes a minimum salary with advancement to a higher salary rate at specified times, and promotion from a lower

¹¹²Constitution, 1920, Article IV, Section 7.

to a higher grade of service upon the recommendation of the department secretary. It is a step toward the establishment of civil service for minor officials and encourages employees to give efficient service upon which their promotion depends.

RELATIONSHIP OF GOVERNOR AND CODE SECRETARIES

In order to bring about co-operation and harmony between the department heads, the governor has introduced the cabinet idea similiar to that feature in the national government. Whenever important matters arise affecting the general administrative policy the governor calls a meeting of the secretaries; sometimes including bureau chiefs. Following these meetings "letters of instruction" are sent to each department outlining the course of action to be pursued relevant to decisions reached. This has proven to be an effective means of harmonizing the general administrative policy which, under the old system was impossible. Thus during the period since the adoption of the civil administrative code, marked changes have taken place in the functioning of the state administrative system. It is the policy to co-ordinate the duties of the departments so that each bureau and division has a definite phase of work to perform, thus avoiding duplications and definitely placing responsibility. Systematic methods of inspection, reporting and registration of employees have been adopted. A simplified method of accounting , the centralization of purchasing of supplies and the control of expenditures are now in use.

CHAPTER IV

CONCLUSION

Constitutional restrictions lie in the way of complete consolidation and centralization of responsibility in the administrative system in Nebraska. The constitutional convention, which met in 1920, did not see fit to make possible such reorganization. An amendment was proposed, which would have abolished all executive officers but that of governor and lieutenant governor and permitted the legislature to create not less than twelve departments to carry on the executive and administrative functions, but it was indefinitely postponed by the convention.¹¹³ Such drastic alteration in the framework of administrative machinery seems to be slow of adoption by the people and must be brought about a step at a time. "More essential to good government than any readjustment of the relations between governor and legislature, however, is the reorganization of the machinery by which the vast and varied administrative work of the state is now carried on. This machinery is extensive and intricate, consisting of departments, boards and officials by the score. It has been built up without plan or set purpose. In scarcely a state of the union does the scheme of administrative organization conform to the simplest requirements of unity and co-operation. It embraces merely a heterogeneous group of disjointed authorities with the lines of responsibility running in all directions, with powers which are ill-defined and functions which overlie, and with no means of working in unison."¹¹⁴ If the ballot were shortened the attention of the people could be concentrated on the election of a few candidates with greater possibility of choosing much more highly qualified officials for the most important public offices. At the present time the selection of public officials is taken almost

¹¹³Proceedings of the constitutional convention, 1919-1920, Proposal 304, Vol. 1, p. 406.

entirely out of the hands of the people, who must rely upon the party label for the choice of candidates. Reorganization in Idaho has had two notable effects, first, to bring better men into public life, and second, to arouse in the people a higher regard for their duty in selecting their officials.¹¹⁵ The governor of Idaho, in his message to the legislature of 1921, in speaking of the changes made by the legislature in 1919, said, "Greater efficiency, increased revenues, and reduced expenditures have justified the changes made, but experience has shown that further co-ordination of departmental duties is possible." Governor Lowden in his message to the Illinois legislature on January 8, 1919, said: . . . "At the time the bill was up for consideration it was claimed that it would result in both efficiency and economy. It has more than justified all the expectations that were formed concerning it. The functions of the government are discharged at the capitol. The governor is in daily contact with his administration in all its activities. Unity and harmony of administration have been attained, and vigor and energy of administration enhanced." Thus it follows that while the character of the public officials is of great importance, so also is the type of machinery provided for them to accomplish results, for the most efficient and capable officers are hampered by the lack of scientifically constructed governmental machinery.

If some of the features applying exclusively to the code departments, such as the standardization of salaries and the classification of positions for the selection of minor officials, could be legalized to apply to the constitutional executive offices, the efficiency of the services rendered by such officials would undoubtedly be increased and the maximum of service for every dollar expended could be more nearly attained. If a system could be introduced requiring the reports of all units of state government to be compiled into one yearbook, a great deal of expense necessitated by the separate printing of each report could be eliminated. Moreover, much of the important

¹¹⁵Munro, W. B. *The Government of the United States*, p. 529 ff, 1919.

¹¹⁶David, D. W. *How Administrative Consolidation Is Working in Idaho*. *National Municipal Review*, Vol. VIII, pp. 615 ff.

history of the state would be available in a compact form. Since the adoption of the code in Illinois this plan has been followed in that state with good results.¹¹⁶

Administrative consolidation is not an innovation nor a unique feature in state government. Reform is not peculiar to Nebraska. Besides those states which have adopted a partial or general reorganization¹¹⁷ there is an increasing tendency on the part of other states to make investigations prior to reform. In 1921 and 1922 alone twenty-six state governors in annual, inaugural, or special messages recommended consolidation, reorganization, and budget reform. Both retiring and incoming governors have emphasized the necessity of legislation for economical administration. The governors of the following states advised general reorganization of state agencies: Arkansas, Arizona, California, Connecticut, Georgia, Indiana, Iowa, Maine, Michigan, Minnesota, Montana, Maryland, Ohio, Utah, and Washington. The governors of Delaware, Kentucky, South Dakota, Virginia, and Florida proposed a general survey and investigation of administrative organization prior to reform. The governors of Colorado, Missouri, Oregon, and Texas recommended consolidation of all related activities into one department such as labor or the educational activities. The governor of Wyoming recommended a similar consolidation by a constitutional amendment. The governor of New York suggested the adoption of a constitutional amendment making reorganization possible. The governor of West Virginia was opposed to the creation of additional boards unless very necessary. The governors of Idaho and Massachusetts, where reorganization plans have been in operation for some time, respectively recommended further co-ordination of minor activities and continued attention to prevent duplication.¹¹⁸ At the present time South Dakota and Pennsylvania are conducting extensive surveys of their state administrative agencies and preparing recommendations to be made to their legislatures in 1923. Furthermore, the application of the principle of centralization

¹¹⁶Mathews, J. M. Administrative Reorganization in Illinois, National Municipal Review, Vol. IX, supplement, p. 749.

¹¹⁷See Chapter I.

¹¹⁸See Messages of governors for 1921 and 1922.

is not exclusively characteristic of the American governmental system, being in operation in such European countries as Great Britain and France. The necessity of reform becomes apparent with the increasing complexity and chaotic conditions of the present state administrative systems. With the successful organization of the national administrative system as well as of numerous city governments along the lines of centralized responsibility and co-ordination, the extensive adoption of scientific administrative principles by states will gradually follow.



APPENDIX

TABLE

STATE ADMINISTRATIVE AND EXECUTIVE

Officers	Term Years	Selection
Governor	2	Popular election
Lieutenant Governor	2	Popular election
Secretary of State	2	Popular election
Auditor	2	Popular election
Treasurer	2	Popular election
Attorney General	2	Popular election
State Superintendent	2	Popular election
Commissioner of Public Lands and Buildings	2	Popular election
Board of Regents	6	Popular election
Railway Commission	6	Popular election
Board of Control	6	By the governor
Board of Educational Lands and Funds	2	Ex-officio
Board of Charities and Corrections	2	Ex-officio
Banking Board	2	Ex-officio
Board of Veterinary Medicine	2	Ex-officio
Board of Pharmacy	2	Ex-officio
Board for the Registration of Nurses	2	Ex-officio
Board of Canvassers	2	Ex-officio
Insurance Board	2	Ex-officio
Board of Irrigation, Highways and Drainage	2	Ex-officio
Board of Equalization and Assessment	2	Ex-officio
Depository Bonds Board	2	Ex-officio
Department of Health	2	Ex-officio
Voting Machine Commission	2	Ex-officio
Board of Vocational Education	2	Ex-officio
Normal School Board	5	2 ex-officio. 3 app'td by governor
Minimum Wage Commission	2	By the governor
Board of Examiners of Public Accountants	2	By the governor
Board of Mediation and Investigation	2	By the governor
Adjutant General	2	By the governor
Board of Chiropractic	3	By the governor
Board of Examiners in Optometry	3	From list submitted by state optical society
Board of Examiners in Osteopathy	5	By governor from list submitted by Nebr. osteopathic ass'n
Board of Embalmers	3	By departm't of health
Board of Dental Secretaries	5	By departm't of health
Medical Advisory Board	4	By governor
Bureau of Printing	2	By governor
Bureau of Labor	2	By governor
Game and Fish Commission	2	By governor
Fire Commission	2	By governor
State Veterinarian and Livestock Sanitary Board	5	By governor
Board of Inspection of Child Labor	5	By governor
Food, Drug, Dairy, Oil and Hotel Commission and Sealer of Weights and Measures	2	By governor
Prison Board	3	By governor

OFFICERS PRIOR TO REORGANIZATION

Removal	Reports—To Whom—When Made
Impeachment	
Impeachment	Governor
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	Governor, biennially
By the governor	Governor, biennially
Impeachment	
Impeachment	Governor, biennially
Impeachment	
Impeachment	
Impeachment	Annual reports to auditor and state pharmaceutical association.
Impeachment	
Impeachment	
Impeachment	Governor, biennially
Impeachment	Governor, biennially
Impeachment	
By governor	Governor annually
By governor	Governor, biennially
By governor	
Governor's pleasure	Governor, biennially
By governor for cause	
	Auditor, annually
By governor for cause	
By governor	
By governor	Governor, biennially
Governor's pleasure	
By governor	Governor, annually
By governor	
By governor	Governor annually
By governor for cause	

TABLE

STATE EXECUTIVE AND ADMINISTRATIVE

Officers	Term Years	Selection
Governor	2	Popular election
Lieutenant Governor	2	Popular election
Secretary of State	2	Popular election
Auditor	2	Popular election
Treasurer	2	Popular election
Attorney General	2	Popular election
State Superintendent	2*	Popular election
Commissioner of Public Lands and Buildings	2	Popular election
Board of Regents	6	Popular election
Railway Commission	6	Popular election
Board of Control	6	By governor with consent of senate
Normal School Board	6	(1 ex-officio) By governor with consent of senate
Tax Commissioner	2	By governor with consent of senate
Board of Equalization and Assessment	2	Ex-officio
Board of Educational, Lands and Funds	2	Ex-officio
Board of Pardons	2	Ex-officio
Depository Bonds Board	2	Ex-officio
Board of Canvassers	2	Ex-officio
Board of Vocational Education	3	(1 ex-officio) By governor
Adjutant General	2	By governor
Board of Examiners of Public Accountants	2	(1 ex-officio) By governor
Secretary of Finance	2	By governor with consent of senate and house
Secretary of Agriculture	2	By governor with consent of senate and house
Secretary of Labor	— 2	By governor with consent of senate and house
Secretary of Trade and Commerce	2	By governor with consent of senate and house
Secretary of Public Welfare	2	By governor with consent of senate and house
Secretary of Public Works	2	By governor with consent of senate and house

*4 years, after 1922.

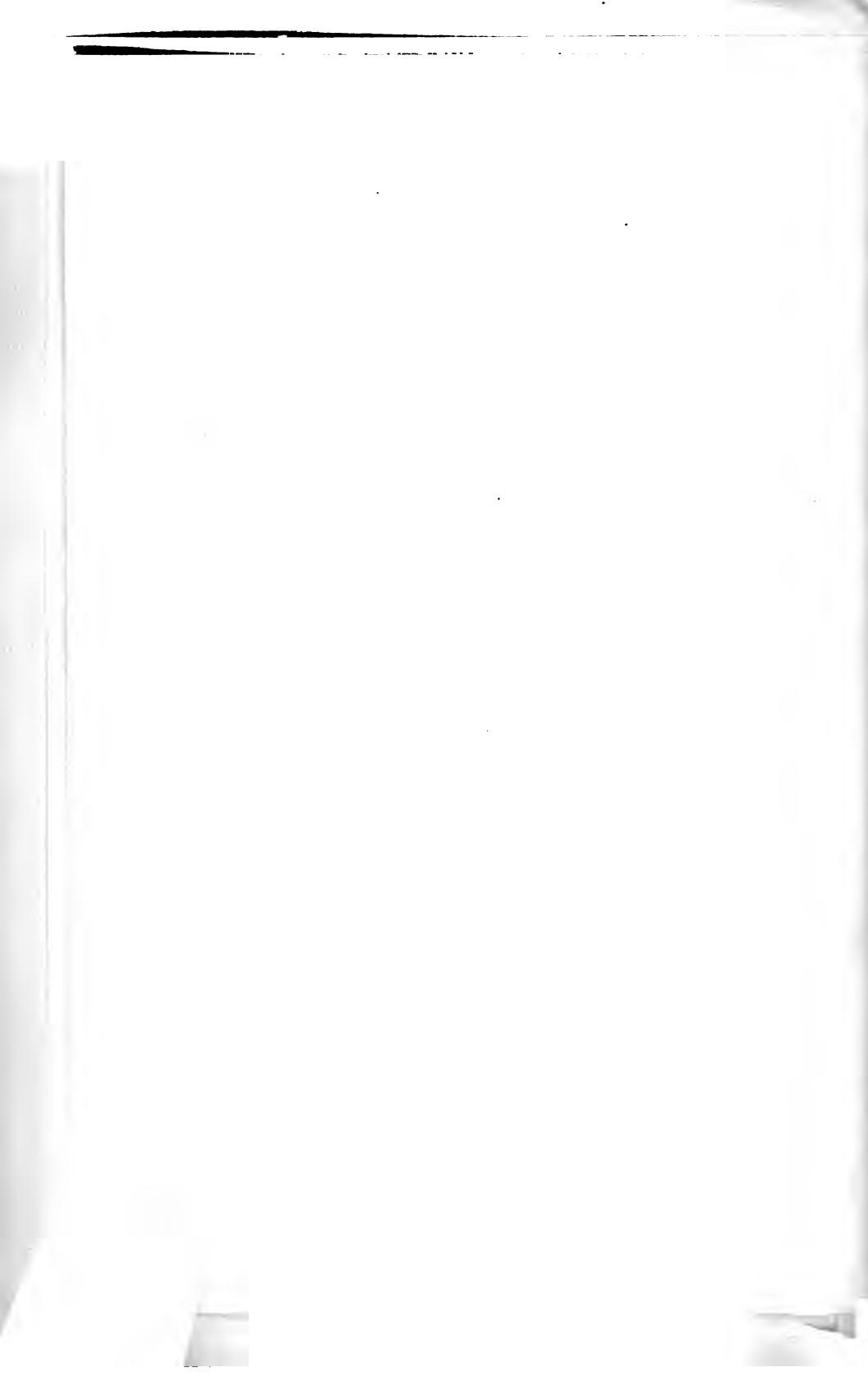
II

OFFICIALS SINCE REORGANIZATION

TABLE III
DUTIES OF THE CODE DEPARTMENTS

Finance.....	{ Business system Budget	{ Bookkeeping Accounting Reporting Purchasing Printing
Agriculture....	{ Livestock Game and fish Food, drugs, dairy and oils Hotels and inns Weights and measures	{ Health and sanitation Hog cholera Stallion registration Tuberculosis
Labor.....	{ Free employment bureau Employment regulations Workmen's compensation Industrial statistics	{ Child labor Health and safety regulations Hours of employment of females Inspection Employment agencies
Trade and commerce..	{ Insurance Banking Building and loan ass'n's Blue sky Fire protection	
Public welfare....	{ Health Vital statistics Maternity homes Child welfare Charities and corrections Examining boards	{ Contagious diseases Venereal diseases Sanitation and quarantine { Physicians and surgeons Osteopathic physicians Chiropractic Dentists Nurses Pharmacy Optometry Embalmers Chiropody Veterinary medicine
Public works	{ Highways State aid bridges Motor vehicle licenses Irrigation Water power Drainage	





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